

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 30, 2003

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Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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| PA1 | D-Cert. of Apprec./L. Schrager (Southern Wine & Spirits), S. Beach Food/Wine Festival. (Dermer) |
| PA2 | Presentation by Luis Salom, Miami Beach Sharks Baseball Team & Optimist Club. (Dermer) |
| PA3 | Presentation Honoring Sen. Paul Steinberg, Contributions to PAL Back to School Program. (Dermer) |
| PA4 | Presentation by Feinberg Fisher Elementary to the Mayor and City Commission. (Dermer) |
| PA5 | Proclamations/(3) Teachers Retiring from Feinberg Fisher Elementary School. (Bower) |
| PA6 | Cert. of Apprec./Eduardo Inirio, Employee of the Month/"At Your Service Award" Winner for March. |
| PA7 | New Item: Proclamation/20 th Annual National Tourism Week. |
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| C2A | Issue P.O., Purchase (1) 2003 John Deere 410G Backhoe Loader w/ Compactor, \$70,941.97. |
| C2B | Issue P.O., Purchase Various Trucks from Duval Ford, \$131,024. |
| C2C | BA 04-02/03, Provide Grounds Maintenance Services, \$120,000. |
| | |
| C4A | Ref: Neighborhoods Committee - Disc. Distribution of Handbills & Quality of Life Ordinances. |
| C4B | Ref: Historic Preservation Board - Parking Design of S. Pointe Master Plan. (Garcia) |
| C4C | Ref: Community Affairs Committee - Disc. Atlanta's Outdoor Festivals Ordinance. (Steinberg) |
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| C6A | Report: General Obligation Bond Oversight Committee Meeting of April 7, 2003. |
| C6B | Report: Land Use & Development Committee Meeting of April 21, 2003. |
| C6C | Report: Finance & Citywide Projects Committee Meeting of April 21, 2003. |
| C6D | Report: Community Affairs Committee Meeting of April 24, 2003. |
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| C7A | Submit Grant Application to FIND, Shoreline Restoration of Monument Island. |
| C7B | Submit Grant Applications to: M-DC Capital Devlp't/S. Fla. Water Mgmt/US Fire Adm. & FEMA. |
| C7C | Proclaim April 30 - May 7, 2003 Municipal Clerks Week. |
| C7D | Accept Recomm., Public Relations & Marketing/Communications Consulting Services. |
| C7E | Set Public Hearing, Approve Amendments to City Center & S. Pointe Revitalization Plan. |
| C7F | Approve Revised Guidelines for CMB Multi-Family Housing Rehabilitation Program. |

C7G Retroactively Approve/Declare Parking Emergency, Epicure Lot Renovations (4/28-5/12/03)
 C7H Execute Service Agmt, Construction Services for a Wayfinding Signage System.
 C7I Set Public Hearing, Purchase Bus-Related Equipment for the Electrowave Shuttle Service.
 C7J Execute a Termination & Abandonment of Utility Easement, Casablanca Villas.
 C7K Set Public Hearing, Consider Revocable Permit Request by Beach Apartments & Bassobe I.
 C7L Set Public Hearing, Consider Vacation of Portions of an Alley on Biscayne Point Island.
 C7M Designate City Manager to Authorize Temporary State Road Closure Permit Requests.
 C7N **W-Waive Bidding, Execute Concession Agmt w/UNIDAD, N. Shore Park Community Ctr. 5/7**
 C7O Approve Amendment No. 2, Energy Conservation Performance Contracting.
 C7P Declare April 2003 as the "National Donate Life Month."

REGULAR AGENDA

R2A BA 06-02/03, Dry Grind & Polish Concrete Restoration System for MBCC, \$407,826.
 R2B BA 27-02/03, ADA & Public Interior Design Enhancement Renovations for TOPA, \$1,583,978.

R5A **10:30 a.m. 2nd Rdg**, Amend Code, Parking for Special Events.
 R5B **10:45 a.m. 2nd Rdg**, Amend No. 1605 Unclassified Employees Salary Ordinance (COLA).
 R5C **10:50 a.m. 2nd Rdg**, Amend No. 789 Classified Employees Salary Ordinance (COLA).
 R5D **10:55 a.m. 2nd Rdg**, Living Wage Requirements for City Service Contracts & City Employees.
 R5E **11:00 a.m. 2nd Rdg**, Amend Code, Mitigation Hearings be Heard by Special Master.
 R5F **3:00 p.m. 1st Rdg**, Restriction of Outdoor & Open Air Entertainment in R-PS & C-PS Districts.
 R5G **11:45 a.m. 1st Rdg**, Prohibit Panhandling on Designated Areas in the City. (Steinberg)
 R5H **1st Rdg**, Parking Requirements for Elderly Housing. **5/7**
 R5I **1st Rdg**, Amendments to Sign Regulations. **5/7**
 R5J **1st Rdg**, Small Dish Antennas. **5/7**
 R5K **1st Rdg**, Timeframes to Obtain a Building Permit. **5/7**
 R5L **4:40 p.m. 1st Rdg**, Single Family Designation & Development Procedures. **5/7**
 R5M **1st Rdg**, Implement Procedures to Provide Local Preference to MB-Based Vendors.
 R5N **1st Rdg**, Valet Parking Permits for Use on Public Property.

R7A **Joint**, Approve 2nd Amendment, Parking Facility Mgmt & Operation Agmt for MB Marina.
 R7B **Joint**, Execute Letter of Intent w/ Royal Palm Hotel Limited Partnership (RDP).
 R7C **11:15 a.m.** Award Contract, (4) New Restroom/Concession Facilities at Beachfront Parks.
 R7D **4:00 p.m.** Select Most Qualified Consulting Firm, for Evaluation of Rapid Transit Options.
 R7E **5:01 p.m.** Create a Special Taxing District for Normandie Sud, 24-Hour Security Guard Service.
 R7F **2:45 p.m.** Execute Communications System Agmt w/Motorola, Public Safety Radio System.
 R7G Issue S.O. for RCC Consultants, Work toward Installation of New Motorola Radio System.
 R7H Amend Resolution, Create MB Ad Hoc Charter Review & Revision Board.
 R7I **4:30 p.m.** Approve Amended Design Plans for Altos Del Mar.

R9A Board and Committee Appointments.
 R9B Report on Status of Settlement Discussions w/ Royal Palm RDP. (Gross)
 R9C Disc. Several Issues w/ the Sister Cities Committee. (Garcia)
 R9D Disc. Delegation to the Convention Center Advisory Board. (Garcia)
 R9E Disc. Resolution re: North Beach Youth Center Oversight Committee. (Smith)
 R9F **2:00 p.m.** Request by the Lofts at South Beach, Review a Design Review Board Decision.
 R9G **5:15 p.m.** Disc. Resolution re: Artificial Reefs near Marjory Stoneman Douglas Park. (Gross)
 R9H **Noon Break**, Committee of the Whole Meeting re: Operating Budget for Mayor/Commission.
 R9I Disc./Referral, Co-Naming of West Avenue to Mr. Nathan Gumenick. (Garcia)
 R9J **D-Presentation** by Concerned Residents Advocating Better Green Space Mgmt. (Gross)
 R9K **3:30 p.m.** Disc. Resolution re: Supporting Miami Beach High School Advisory Board. (Garcia)
 R9L **3:31 p.m.** Disc. Permit MBHSAB to Use Commission Chambers to Televisе its Mtgs. (Garcia)
 R9M **3:15 p.m.** Disc. Status of the Urban Arts Committee. (Dermer)

R9N **11:30 a.m.** Disc. Resolution re: Funding for the Arts & Cultural Programs. (Bower)

REPORTS AND INFORMATIONAL ITEMS

- A Parking Status Report.
B City Attorney's Status Report.
C CIP Office Quarterly Status Report Presentation to the Finance & CWP Committee on 4/21/03.
D **2:30 p.m.** Oral Update/Presentation on the GMC&VB.
E1 Correspondence from GMC&VB. (Garcia)
E2 Minutes from MB Transportation Mgmt Assoc. Executive Board Meeting of 4/22/03. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A **Joint**, Approve 2nd Amendment, Parking Facility Mgmt & Operation Agmt for MB Marina.
 2B **Joint**, Execute Letter of Intent w/ Royal Palm Hotel Limited Partnership (RDP).
 2C Execute Mgmt/Leasing Agmt w/ MBCDC, Management of Anchor Shops.
 2D Status Report on Negotiations w/ Selig Parking, Mgmt of Anchor Shops & Parking Garage.

Meeting called to order at 9:25:03 a.m.

Pledge of Allegiance led by Chief De Lucca.

Inspirational Message given by Pastor Dr. Annette Jones, St. John's Methodist Church.

Supplemental Materials: C7L (5 Resolutions), C7O (Resolution), R5E (Ordinance), R5J (Ordinance), R5K (Ordinance), R5L (Ordinance), R7F (Revised Memorandum), R7I (Memorandum), R9N (Resolution)

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Lee Brian Schrager Of Southern Wine And Spirits, For
His Contribution To S. Beach Food and Wine Festival.
(Requested By Mayor David Dermer)
(Deferred From April 9, 2003)

ACTION: Deferred.

5:00:37 p.m.

- PA2 Presentation By Mr. Luis Salom Regarding An Update On The Miami Beach Sharks Baseball Team And The Miami Beach Optimist Club.
(Requested By Mayor David Dermer)
(Deferred From April 9, 2003)

ACTION: Presentation made.

9:57:06 a.m.

- PA3 Presentation Honoring Senator Paul Steinberg For His Contributions To The Police Athletic League (PAL) Back To School Program.
(Requested By Mayor David Dermer)

ACTION: Presentation made.

Alkareem Azim from PAL, recognized former Senator Paul Steinberg for donating funds to PAL's back to school program. This program helps low to moderate-income families.

Senator Paul Steinberg stated that it is a pleasure to be here and he is always glad to help PAL.

PAL raffle: Fourth place prize: Sony 27 In inch color television: Mango's; Third place prize: Trek Y-22 Dual Suspension Carbon Frame Mountain Bike: Raquel Garaes; Second place prize: 2000 Yamaha "GPR" Waverunner with Trailer: Mango's and First place prize: 2002 Harley Davison "1200" Sportster with Marching Trailer: Sergeant Richard Gullage (Miami Beach Police Department).

9:45:29 a.m.

- PA4 Presentation By Feinberg/Fisher Elementary To The Mayor And City Commission.
(Requested By Mayor David Dermer)

ACTION: Presentation made.

9:52:31 a.m.

- PA5 Proclamations To Be Presented To Three (3) Teachers, Nezzie Stewart, Laura Jones And Rosalind Orbach, Upon Retirement From Feinberg/Fisher Elementary School.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Proclamations presented.

10:14:50 a.m.

- PA6 Certificate Of Appreciation To Be Presented To Employee Of The Month/"At Your Service Award" Winner For The Month Of March.
(City Manager's Office)

ACTION: Certificate presented to David Inirio, Fleet Service Representative.

10:04:19 a.m.

- PA7 Proclamation Declaring 20th Annual National Tourism Week.
(Requested by Michael Aller)

ACTION: Proclamation presented.

Attending Dr. Jean Friedman, Principal Miami Beach Senior High, Ann Fields, Executive Director Academy of Travel & Tourism High School Magnet Schools, Stuart Blumberg, President/CEO-Greater Miami & Beaches Hotel Association, Donna Shaw, Tourism and Cultural Development Director, Michael Aller, and Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau.

Commissioner Bower stated that the Flamingo Pool cannot be used by the Beach High water polo team and wants to make sure that the new Normandy Pool does not have the same problems. **Michael Aller to see if any Miami Beach hotels are interested.**

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner-Smith; Voice vote: 6-0: Absent Commissioner Cruz.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Purchase Order To Nortrax Equipment Co., In The Amount Of \$70,941.97, Pursuant To State Of Florida Contract No. 760-001-03-1, For The Purchase Of One (1) 2003 John Deere 410G Backhoe Loader With Compactor.
(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2B Request For Approval To Issue A Purchase Order, In The Amount Of \$131,024, Pursuant To Florida State Contract No. 02-10-0826, To Duval Ford For The Purchase Of One (1) 2003 Ford F-650 Diesel Crew Cab Canopy Utility Truck, One (1) 2003 Ford F-450 Diesel 4x2 Dump Body Truck, One (1) 2003 Ford F-350 4x2 Crew Cab Canopy Utility Body Truck And One (1) 2003 Ford F-150 4x2 Pick Up Truck.
(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2C Request For Approval To Award A Contract To Everglades Environmental Care, Inc., As The Primary Vendor To Provide Grounds Maintenance Services For An Estimated Annual Amount Of \$120,000, Pursuant To Bid No. 04-02/03; Further Request Approval To Award A Contract To Thomas Maintenance Service, Inc. As The Secondary Vendor To Be Used Only In The Event That The Primary Vendor (Everglades Environmental Care Inc.) Cannot Fulfill Their Contractual Obligations.
(Parks & Recreation)

ACTION: Award approved. Kevin Smith to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods Committee - Review And Discuss An Amendment To The City Code Concerning The Distribution Of Handbills And Discussion On Other Quality Of Life Ordinances.
(Neighborhood Services)

ACTION: Item referred. Vivian Guzman to place on the agenda.

10:28:58 a.m.

C4B Referral To The Historic Preservation Board - Parking Design Of The South Pointe Master Plan.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item separated for discussion by Commissioner Steinberg. Item withdrawn by Vice-Mayor Garcia.

Commissioner Steinberg stated that he does know if the Historic Preservation Board has jurisdictions and doesn't want to see projects slowed down by sending projects to committees.

Vice-Mayor Garcia stated that he is not interested in holding up the process but in expediting it.

Mr. Gil Zriny stated that it might be a bit premature to refer to the Planning Board [Historic Preservation Board]. There is a workshop scheduled for May 1 and requested the Commission send a directive to the planners to consider plans which do not eliminate parking.

Vice-Mayor Garcia stated that he just wants to make sure the residents are involved.

Commissioner Steinberg stated that it would be better to wait to see what happens at the design workshop and to inform the Commission. If the CDW process recommends angle parking he will sponsor a resolution. **Tim Hemstreet to handle.**

Vice-Mayor Garcia withdrew the referral.

C4C Referral To The Community Affairs Committee - Discussion Regarding Atlanta's Ordinance Addressing Outdoor Festivals.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on the agenda. **Christina Cuervo to handle.**

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of April 7, 2003: **1)** Change Order Report; **2)** Recommendation To City Commission: a) Bayshore BODR; b) Reallocation Of \$150,000 Of G.O. Bond Funds Previously Allocated To Shane Watersports Center To The Normandy Isle Pool Project; c) Reallocation Of Funds For Oceanfront Restroom Replacement; **3)** Project Status Report: a) Status Report On West Avenue/Bay Road Project; b) Update On Fire Station #2; c) Update On Fire Station #4; **4)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) Revised Agreement With Jasco Construction; c) Report On CDW #1 For South Pointe Streetscape Project Phase II; d) Report On CDW #2 For Venetian Islands Streetscape Project; e) Report On Community Meeting For Belle Isle Streetscape And Park Projects.

ACTION: Written report submitted.

Item 1.

The Administration informed the Committee of change orders that had been approved since the last meeting.

Item 2.

a) The Committee approved a motion to recommend that the City Commission approve the BODR for the Bayshore Neighborhood Project including Amendments read in to the record by the Consultant. This itemized Amendment deleted a reference to new sidewalks on Sunset Islands I & 2. (**See April 9, 2003 - R7B**)

b) The Committee approved a motion to recommend that the City Commission appropriate \$150,000 of GO Bond Funds previously allocated to Shane Watersports Center for the Normandy Isle Pool Project. (**See April 9, 2003 - C7A**)

c) The Committee approved a motion recommending that the City Commission retain the GO Bond funds allocated for the 29th Street restroom facility in the amount of \$175,000 and reconsider a restroom at this location. (**See April 30, 2003 R7C**)

Item 3.

a) Written report submitted.

b) Written report submitted.

c) Written report submitted.

Item 4.

Written report submitted.

10:47:49 a.m.

C6B Report Of The Land Use And Development Committee Meeting Of April 21, 2003: **1)** Discussion Regarding A Small Business Concurrency Exemption; **2)** Discussion Regarding A Small Section In Miami Beach That Seems To Be Out Of Scale With The Rest Of The City; **3)** Discussion Regarding The Proposed Ordinance Regarding Single Family Designation And Development; **4)** Discussion Regarding The Proposed Ordinance Regarding Timeframe To Obtain A Building Permit; And **5)** Proposed Ordinance Regarding Small Dish Antennas.

ACTION: Written report submitted as amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0: Absent Commissioner Cruz.

This item was separated for discussion by Commissioner Gross. He requested that the April 9, 2003 background analysis prepared by the Administration be attached for the record. In addition, the Concurrency Committee had some clarifications and amendments to the City's write-up and also wants the clarifications and amendments included as part of the record.

Written report submitted as amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0: Absent Commissioner Cruz.

Item 1 (Item 3 in the written report)

Motion – accept proposal of the small business exemption retroactive to January 1, 2003, those businesses that qualify as small businesses will be re-evaluated to determine if they are eligible for a refund of all or part of the mitigation portion of the fee. The administrative fee will not be refunded. (Bower/Garcia) Vote: 2-0.

Handout or reference Materials:

1. Copy of the Commission Memorandum dated April 9, 2003 referring this topic to the Land Use and Development Committee for discussion. The reference materials also contains a chart titled: "Retail" and a chart titled "Sample Projects Using Scale." A Fact Sheet is also included.

Item 2. (Item 4 in the written report)

Item not reached.

Item 3. (Item 1 in the written report)

Motion to recommend approval to the full Commission. (Gross/Garcia) Vote: 2-0.
(See R5L - April 30, 2003)

Item 4. (Item 2 in the written report)

Motion to recommend approval to the full Commission. (Gross/Garcia) Vote: 2-0.
(See R5K - April 30, 2003)

Item 5. (Item 5 in the written report)

Committee decided to have this item discussed at the full Commission when the item is brought on April 30. **(See R5J - April 30, 2003)**

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of April 21, 2003: **1)** Economic Overview For FY 2003/04 Budget; **2)** Old City Hall; **3)** New World Symphony; **4)** Fire And Police Pension; And **5)** CIP Quarterly Report.

ACTION: Written report submitted.

Item 1.

No Action Necessary (Presentation Given).

Item 2.

The Committee instructed the Administration to bring back the item to the next regularly scheduled meeting of the Finance and Citywide Projects Committee so that committee members may have time to analyze the Structural Engineer's Report, and further instructed Administration to come up with a plan on how the City can fund the emergency repair to the building and locate a tenant for the current vacant space. **Fred Beckmann to handle.**

Item 3.

The Committee passed a motion expressing their support for the proposed project and directing Administration to proceed with their efforts of securing a lease with the New World Symphony at a rental rate of one dollar a year plus the in kind economic impacts the City will receive by the completion of said project for a total of 99 lease years, contingent on the following: all displaced parking being replaced and additional parking lots/garages being built to accommodate increased parking necessities; the City will operate all new garages as part of the City of Miami Beach Parking Program; and, review by the Transportation and Parking Committee, the Land Use and Development Committee and the public.

Christina Cuervo to work on securing a lease.

Saul Frances to handle and place on the Transportation and Parking Committee agenda; Jorge Gomez to place on the Land Use and Development Committee agenda.

City Clerk's Note: Included in the Agenda is a copy of a PowerPoint presentation given by Mr. Howard Herring outlining the New World Symphony's history, finances, and proposal. The title of the presentation is: "City of Miami Beach Finance Committee Presentation - New World Symphony - April 21, 2003."

Item 4.

The Committee moved the item and directed Administration to proceed with drafting a Memorandum of Understanding between the City and the Fire Fighters and Police Officers Pension Boards outlining the agreement reached with the Minimum Pension Benefit Resolution issues related to the supplemental plans created for firefighters and police officers in the Florida Statutes 175 and 185. **Mayra Diaz Buttacavoli to handle.**

Item 5.

The Committee requested that Administration come to the next Commission meeting on April 30, 2003 prepared with the same PowerPoint presentation given today for the benefit of the entire Commission. See Report "C".

- C6D Report Of The Community Affairs Committee Meeting Of April 24, 2003: **1)** Discussion Regarding A Memorial In Honor Of The Late Maurice Gibb; And **2)** Discussion Regarding A Memorial In Honor Of The Late Joseph Nevel To Be Placed Somewhere In The Collins Park Area.

ACTION: Written report submitted.

Item 1.

Commissioner Richard Steinberg made a motion, seconded by Vice-Mayor Luis R. Garcia Jr., for a memorial in the form of a bench and naming of an area of the park in honor of the late Maurice Gibb, such honor not requiring referendum approval. Representatives from the Gibb family will visit Island View Park to formulate a recommendation on the bench location. **Mayra Diaz Buttacavoli to handle.**

Item 2.

Vice Mayor Luis R. Garcia Jr. made a motion, seconded by Commissioner Matti Bower, to have a memorial in honor of the late Joseph Nevel within Collins Park. A meeting is to be scheduled by Assistant City Manager Mayra Diaz Buttacavoli, with staff from Capital Improvement Projects Office, and representatives from the Nevel family, to formulate a recommendation for the memorial and its location. Once the final recommendation is completed, it will be presented to the Community Affairs Committee for final approval. **Mayra Diaz Buttacavoli to handle.**

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The Florida Inland Navigation District (FIND), Waterways Assistance Program, For State Funds, In The Amount Of \$50,000, For Shoreline Restoration Of Monument Island, To Be Matched With \$50,000 Of City Funding And Private Donations Set Aside For Restoration Of Monument Island And The Flagler Memorial; Further Appropriating The Grant If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2003-25176 adopted. Judy Hoanshelt to submit a grant application. Patricia Walker to appropriate the funds if awarded and accepted by the City. Robert Middaugh to handle.

- C7B A Resolution Authorizing The City Manager Or His Designee To Submit Applications For Grant Funds To The Following Agencies: 1) Miami-Dade County Capital Development Program In The Amount Of \$50,000 For Funding To Purchase Equipment For The Byron-Carlyle Theater; 2) South Florida Water Management District In The Amount Of \$300,000 For Funding Of An Alternative Water Supply At Normandy Shores Golf Course; 3) The US Fire Administration, FY 2003 Fire Act Grant In An Amount Not To Exceed \$750,000 For The Acquisition Of A Fire Vehicle; 4) Federal Emergency Management Agency (FEMA) In The Amount Of \$25,000 For Continuity Of Operation Planning; Further Appropriating The Grants If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2003-25177 adopted. Judy Hoanshelt to submit a grant application. Patricia Walker to appropriate the funds if awarded and accepted by the City.

1. Retroactive approval for the submittal of a grant to the Miami-Dade County Department of Cultural Affairs, FY 2003-2004 Capital Development Grants Program for the Byron Carlyle Theater in the amount of \$50,000. **Christina Cuervo to handle.**
2. Retroactive approval to apply to South Florida Water Management District in the amount of \$300,000 for funding of an Alternative Water Supply at Normandy Shores Golf Course. **Kevin Smith to handle.**
3. Retroactive approval for the submittal of a grant to the United States Fire Administration 2003 Fire Act Grant program in an amount not to exceed \$750,000 for the acquisition of a replacement aerial vehicle. **Chief Jordan and Drew Terpak to handle.**
4. Approval to accept \$25,000 from the Federal Emergency Management Agency to be used for in the development of a Continuity of Government Plan as proscribed by the Florida Department of Emergency Management. **Fred Beckmann to handle.**

- C7C A Resolution Proclaiming April 30, 2003 Through May 7, 2003 Municipal Clerks Week.
(City Clerk's Office)

ACTION: Resolution No. 2003-25178 adopted. Robert Parcher to handle.

Mayor Dermer, Jorge Gonzalez, City Manager, Vice-Mayor Garcia, Commissioners Gross, Smith, Cruz, Bower, Steinberg and Murray Dubbin, City Attorney, spoke.

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Qualifications (RFQ) No. 15-02/03, For Public Relations Services And Marketing And Communications Consulting Services For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Kelley Swofford Roy, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Edelman.

(City Manager's Office)

ACTION: Resolution No. 2003-25179 adopted. Christina Cuervo to handle.

- C7E A Resolution Setting A Public Hearing, Pursuant To Section 163.361, Florida Statutes, During The Regularly Scheduled Meeting Of The Miami Beach Redevelopment Agency (RDA), On Wednesday, May 21, 2003 At 10:00 A.M., To Consider Accepting A Recommendation Of The Chairman And Members Of The RDA, Recommending Approval Of Certain Amendments To a) The City Center Historic Convention Village Redevelopment And Revitalization Area Plan And b) The South Pointe Revitalization Plan, An Approved Redevelopment Plan Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments Providing For The Implementation Of Community Policing Innovations Within The Districts, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361, And 163.370, Florida Statutes.

(Economic Development)

ACTION: Resolution No. 2003-25180 adopted. Public hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

10:48:13 a.m.

- C7F A Resolution Approving And Adopting Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program.

(Neighborhood Services)

ACTION: Item separated for discussion by Commissioner Gross.

Item Referred. Motion made by Commissioner Gross to refer to the Neighborhoods Committee; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to handle.

Commissioner Gross stated that the target area is extremely broad. It includes essentially all of North Beach and South Beach. He stated that perhaps areas most in need could be targeted if legally possible. First, he requested the Administration to identify those areas most in need of this type of renovation, and secondly, to place a cap on the amount of money spent on purchasing the property.

Commission Bower stated that there needs to be balance and recommended item to be referred to a committee.

Commissioner Smith stated he is concerned about how HUD will react to this type of policy.

Vivian Guzman, Neighborhood Services Department Director, stated that the two (2) areas which appear in the guidelines are the two (2) areas designated by HUD as target areas. This program is open citywide, and anyone can apply for multi-family rehabilitations.

- C7G A Resolution Retroactively Approving The Actions Of The Administration With Respect To Finding And Declaring The Existence Of A Parking Emergency With Respect To Increased Traffic And Parking Demand Caused As A Result Of Municipal Parking Lot 4c (Epicure Lot) Renovations From April 28, 2003 Through May 12, 2003; And Further Declaring The Existence Of A Citywide Parking Emergency On The Following Specified Dates With Respect To Increased Traffic And Parking Demand Caused As A Result Of Memorial Day Weekend, From May 23, 2003 Through May 26, 2003; Allowing For The Provision Of Self-Parking And/Or Valet Parking In Specified Vacant Lots Citywide, As Designated By The Administration; And Providing Provided That The City Shall Further Require Designated Parking Operators And/Or Lot Owners To Secure The Appropriate Insurance And Occupational Licenses Required By The City Code To Operate Self Parking Operations For The Purposes Set Forth In This Resolution.

(Parking Department)

ACTION: Resolution No. 2003-25181 adopted. Al Childress and Saul Frances to handle.

- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Firm Of Hillier, In The Amount Of \$185,770 For Professional Fees And \$22,230 For Reimbursable Expenses For A Total Cost Of \$208,000, Pursuant To RFP No. 48-01/02 For Planning, Design And Construction Administration Services For A Wayfinding Signage System; And Appropriating Funds In The Amount Of \$83,200 From The Convention Center Capital Fund And \$124,800 From Parking Revenue Bond Fund 481; And Establish A Work Order For Payment Of Fees For Such Services And Project Reimbursable Expenses.

(Planning Department)

ACTION: Resolution No. 2003-25182 adopted. Patricia Walker to appropriate the funds. Jorge Gomez to handle.

- C7I A Resolution Setting A Public Hearing For May 21, 2002, To Hear Public Comments Regarding The Appropriation Of \$400,000 In Federal Transit Administration (FTA) Section 5309 Funds, As Required By 49 U.S. Code Chapter 53; These Funds, Earmarked In Fiscal Year 2000-01 For The Purchase Of Bus And Bus-Related Equipment For The Electrowave Shuttle Service, Must Be Appropriated In May 21, 2003, To Meet FTA Requirements; And Further Stating That The Required Twenty Percent Local Match Will Be Provided By A Florida Department Of Transportation "Soft" Match, Utilizing State Toll Revenue Credits.

(Public Works)

ACTION: Resolution No. 2003-25183 adopted. Public hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

10:41:25 a.m.

C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Termination And Abandonment Of A Utility Easement On The Property Legally Described As Lots 4 And 61, Block 7 Of The Amended Plat Of Second Ocean Front Subdivision, As Recorded In Plat Book 28, Page 28 Of The Public Records Of Miami-Dade County, Florida, In Favor Of Casablanca Villas Llc, And Further Accepting A New Grant Of Easement From Casablanca Villas Llc, As The Owner Of The Aforestated Property, On Lot 4 Of The Aforestated Block And Subdivision; Said Termination And Grant Of Easement, Respectively, Subject To The Conditions Set Forth In This Resolution.
(Public Works)

ACTION: Item separated for discussion by Commissioner Smith.

Resolution No. 2003-25184 adopted as amended. Grant of Easement amended. Motion made by Commissioner Smith subject to the amendments and concerns which have been expressed; seconded by Vice Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Fred Beckmann to handle.

Amendment made by Commissioner Smith to the Grant of Easement:

- 1. Section 2, line 6: change storm drain system to water and sewer mains**
- 2. Section 2, line 8: change GRANTEE to GRANTOR**

Commissioner Smith expressed concern that the rerouting will not reduce the water pressure for the surrounding areas. This area has traditionally had low water pressure and wants to make sure that the water pressure is not affected and if it is, the developer, at their expense, will need to correct.

Fred Beckmann, Public Works Director, stated that the developer will be required to do a water model in the area of where the development will be taking place. The water model will identify exactly what the capacity of the water distribution system is at this point. A negative impact will require the developer to take corrective measures at the developer's expense.

Vice-Mayor Garcia stated that when the easement is granted the water pressure to the surrounding building is better than it is now. He stated that the impact fee paid by the developer needs to get results rather than just giving the City money.

Fred Beckmann, Public Works Director, stated that with utility systems, if the developer is impacting the distribution system it is the responsibility of the developer to pay to the cost of upgrading the system.

C7K A Resolution Setting A Public Hearing On May 21, 2003, To Consider A Revocable Permit Request By Beach Apartments And Bassobe I, Llc, For The Construction Of A Picket Fence And Gates In Pennsylvania Avenue And 15th Street Public Right-Of-Way, Adjacent To Their Property, The Cameo Apartments, Located At 529 15th Street.
(Public Works)

ACTION: Resolution No. 2003-25185 adopted. Public hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

Supplemental Materials: C7L (5 Resolutions)

- C7L A Resolution Setting A Public Hearing On May 21, 2003 To Consider Public Comment, As Required By Ordinance No. 92-2783, Regarding The Vacation Of Portions Of An Alley Located On Biscayne Point Island, Miami Beach, Florida, Between N. Biscayne Point Road And Cecil Street, To Each Of The Following Adjacent Property Owners: 1315 Cleveland Road, 1355 Cleveland Road, 8000 Cecil Street, 8040 Cecil Street And 1320 N. Biscayne Point Road.
(Public Works)

ACTION:

Resolution No. 2003-25186 adopted. (1315 Cleveland Road)

Resolution No. 2003-25187 adopted. (1355 Cleveland Road)

Resolution No. 2003-25188 adopted. (8000 Cecil Street)

Resolution No. 2003-25189 adopted. (8040 Cecil Street)

Resolution No. 2003-25190 adopted. (1320 N. Biscayne Point Road)

Public hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

- C7M A Resolution Designating The City Manager As The Individual Authorized To Act On Behalf Of The City Of Miami Beach For Temporary State Road Closure Permit Requests For Special Events.
(City Manager's Office)

ACTION: Resolution No. 2003-25191 adopted. Donna Shaw to handle.

- C7N A Resolution Waiving By 5/7ths Vote, The City's Competitive Bidding Requirements; Finding Such Waiver To Be In Best Interest Of The City; Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And UNIDAD Of Miami Beach, Inc., For The Use Of A Portion Of The City's North Shore Park Community Center, Located At 7251 Collins Avenue, Miami Beach, Florida, Consisting Of An Area Of Approximately 540 Square Feet; Said Agreement Having A Term Of One (1) Year, And Thereafter On A Month-To-Month Basis, Terminable Without Cause And For Convenience, With Sixty (60) Day Written Notice, At The City's Discretion.
(Economic Development)

ACTION: Withdrawn.

Supplemental Materials C7O (Resolution)

- C7O A Resolution Approving Amendment No. 2 To The Johnson Controls, Inc. Master Agreement For An Energy Conservation Performance Contracting, In An Amount Not To Exceed \$40,000 For The Replacement And Balance Of The Blower Wheels Of The Air Handler Units No. 5, 9 And 11 Located In City Hall.
(City Manager's Office)

ACTION: Resolution No. 2003-25192 adopted. Fred Beckmann to handle.

10:19:20 a.m.

C7P A Resolution Declaring April 2003 As The "National Donate Life Month."
(City Manager's Office)

ACTION: Resolution No. 2003-25193 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower: Voice vote 6-0; Absent Commissioner Cruz. Ramiro Inganzo to handle.

Jorge Gonzalez, City Manager, recognized Phyllis Shamis, a Police Department employee, and her husband Scott for bringing this to his attention.

Ms. and Mr. Shamis spoke.

Handout or Reference Materials

1. Internet location <http://organdonor.gov>

ANNOUNCEMENT:

Jorge Gonzalez, City Manager, announced that at today's meeting the Spanish translating services is available using the SAP feature on the television set. He stated that the City of Miami Beach is one of the first, if not the first, City in Florida to provide this service for the citizens.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

2:48:17 p.m.

R2A Request For Approval To Award A Contract To Clarklift Of Orlando, Inc., D/B/A Absolute Storage Products In The Amount Of \$407,826, Pursuant To Bid No. 06-02/03 - Dry Grind And Polish Concrete Restoration System For The Miami Beach Convention Center.
(Convention Center)

ACTION: Award approved. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 7-0. Doug Tober to handle.

Handout or Reference Materials:

1. Letter from Chris Curtis, Project Manager - Commercial Coating Systems, to Gus Lopez, Procurement Director, dated April 29, 2003, RE: Protest to Bid 06-02/03

10:37:13 p.m.

R2B Request For Approval To Award A Contract To The Lowest And Best Bidder, Romano Brothers Construction, Inc., In The Amount Of \$1,583,978 Pursuant To Bid No. 27-02/03 For The ADA & Public Interior Design Enhancement Renovations For The Miami Beach Jackie Gleason Theater Of The Performing Arts.

(Convention Center)

ACTION: ACTION: Award approved. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 7-0. Tim Hemstreet to handle.

Handout or Reference Materials

1. Letter from Braford A. Thomas (Kimbrell & Hamann) , dated April 28, 2003, RE: Bid Protest of Regosa Engineering, Inc. Bid No. 27-02/03 - ADA & public interior design enhancement renovations for the Miami Beach Jackie Gleason Theater of the Performing Arts.
2. Letters from Nestor Fernandez, Project Manager, URS and Ari L. Sklar, President, SKLArchitecture

R5 - Ordinances

1:12:40 p.m.

R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 12, "Arts, Culture, And Entertainment," Article II, "Special Events," By Inserting A New Section 12-6, Entitled "Parking For Special Events," Adopting Procedures For The Review And Approval Of The Use Of Public And Private Property Not So Permitted Under Existing Zoning To Be Used As Emergency Parking Lots For Special Events, Providing For Repealer, Codification, Severability, And An Effective Date. **10:30 A.M. Second Reading. Public Hearing.**

(Parking Department)

(Continued From February 26, 2003)

ACTION: Motion made by Commissioner Steinberg to Open and Continue the Public Hearing to June 11, 2003 at 10:45 a.m.; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the June 11 Commission Agenda. Saul Frances to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

12:53:49 p.m.

R5B An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Increasing On The First Pay Period Ending May 4, 2003, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4%; And By Establishing The Classifications Of Assistant Director – Neighborhood Services, Housing Manager, Office Of Community Services Division Director, Labor Relations Division, Director, Labor Relations Technician I, Special Events Coordinator, Public Art Coordinator; And Amending The Titles Of The Classifications Of Housing Development Division Director To Community Development And Housing Division Director, Labor Relations Technician To Labor Relations Technician II, Training Development Coordinator To Organizational Development And Training Coordinator, Training Specialist To Organizational Development And Training Specialist; And Abolishing The Title Of Classification Of Assistant To The Neighborhood Services Director, Providing For A Repealer, Severability, Effective Date, And Codification. **10:45 a.m. Second Reading, Public Hearing.**
(Human Resources)
(First Reading On April 9, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3406 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent Commissioner Cruz. T. C. Adderly to handle.

Discussion held regarding granting of a COLA to the two contract employees which are the City Manager and City Attorney.

AMENDMENT:

Commissioner Steinberg stated that for the City Manager and City Attorney, any future COLA increases would be sunset at the time of the next contract negotiation period and COLA negotiations would be an element of the salary negotiation process. This was agreed upon my acclamation of the City Commission.

Jorge Gonzalez, City Manager, responding to Commissioner Smith's question as to why a 4% cost-of-living increase, stated that he felt that it was only fair that the unclassified employees receive the same COLA that was awarded to the employees covered by bargaining unit contracts. The unclassified employees are not represented by a bargaining unit, they don't get overtime but put in plenty of overtime hours. This is the last year of the bargaining unit agreement and negotiations will begin shortly. The Administration will be working towards an appropriate COLA for the term of the next contract which the City Commission will need to approve.

Commissioner Smith stated that his issue is the 4% COLA which is completely unrealistic. The Consumer Price Index (CPI) is around 1.5 or 1.7.

Commissioner Gross stated that when it comes time to approve the new contracts, to tie them to the CPI.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

City Clerk's Note: Do not codify.

1:11:27 p.m.

R5C An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Increasing On The First Pay Period Ending May 4, 2003, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4%; And By Establishing The Classification(s) Of Ice Rink Technician And Sanitation Operations Supervisor; Amending The Titles Of Classifications Of Personnel Technician I To Human Resources Technician I, Personnel Technician II To Human Resources Technician II, Personnel Technician III To Human Resources Technician III; Providing For A Repealer, Severability, Effective Date, And Codification. **10:50 a.m. Second Reading, Public Hearing.**
(Human Resources)
(First Reading On April 9, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3407 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Cruz. T. C. Adderly to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

City Clerk's Note: Do not codify.

1:14:43 p.m.

R5D An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration"; By Amending Article VI, Entitled, "Procurement"; By Amending Division 6, Entitled "Living Wage Requirements For City Service Contracts And City Employees"; By Amending Section 2-408(b), Entitled "Health Benefits," Therein, To Prescribe A Maximum Period Of Time For The "Eligibility Period," As Same Is Defined Therein, Under Which A Covered Contractor May Qualify To Pay A New Employee The \$8.56 Per Hour Wage Scale; Providing For Repealer, Severability, Codification, And An Effective Date. **10:55 a.m. Second Reading, Public Hearing.**
(Human Resources)
(First Reading On April 9, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3408 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly to handle.

Commissioner Smith stated that there was an article in The Miami Herald a few days ago stating that the Legislature wants to take away the City's authority to enact a living wage ordinance and calls should be made to Miami Beach legislators to make sure this authority is not taken away.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

ANNOUNCEMENT:

Commissioner Steinberg announced that relative to the Burt J. Harris issue, Murray Dubbin, City Attorney, received notification that the item went to the Florida House of Representatives on second reading. Representative Gelber and Representative Gus Barreiro and others spoke out in favor of the City's position and were able to add back, "prospectively" into the amendment language that had previously been modified to retroactively.

At the request of Commissioner Gross, Murray Dubbin, City Attorney, explained the State's amendment process.

ANNOUNCEMENT:

Murray Dubbin, City Attorney, stated that on the M/A-COM / Motorola issue, there was a hearing before the Circuit Court on a motion by M/A-COM for an injunction on the City Commission's proceedings. The judge is taking it under advisement and will notify the City.

1:13:39 p.m.

Supplemental Materials R5E (Ordinance)

R5E An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Section 30-76(B) Entitled "Mitigation," Providing For Mitigation Hearings To Be Heard By The Special Master Within One Year Of The Issuance Of The Affidavit Of Compliance; By Providing The Special Master May Also Hear Mitigation Requests Beyond One Year After The Affidavit Of Compliance Has Been Issued Upon The Agreement Of The Administration And The Violator; Providing That All Mitigations Over \$100,000 Require City Commission Approval; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(Neighborhood Services)
(First Reading On April 9, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3409 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Al Childress and Robert Parcher to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

5:12:19 p.m.

R5F Restriction Of Outdoor And Open Air Entertainment In R-PS And C-PS Districts.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Sec. 142-693, "Permitted Uses," By Restricting Outdoor Entertainment Establishments And Open Air Entertainment Establishments In The R-PS4, Residential High Density Performance Standards And In The C-PS 1, 2, 3 And 4, Commercial Performance Standards Zoning Districts; Providing For Repealer, Codification, Severability, And An Effective Date.
3:00 p.m. First Reading, Public Hearing.

(Planning Department)

ACTION: Discussion held.

Because of faulty noticing (6 days rather than 7 days notice), the public hearing could not be held.
Discussion held.

By acclamation of the City Commission, a public hearing was scheduled for May 21, 2003 and the Planning Department is to expand the scope of the ordinance to include the request by Mr. Bercow. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, gave an overview of the ordinance.

David Haber, Esq., representing Portofino Towers spoke.

Commissioner Bower stated that this ordinance is not retroactive and establishments doing business now will be grandfathered.

Frank Del Vecchio spoke.

Roman Jones, Opium Gardens, spoke.

Paul Yates spoke.

David Kelsey, South Beach Hotel & Restaurant Association, spoke.

David Wallack, Vice Chairman of the Ocean Drive Association, spoke.

Mallory Kauderer, Regents Park Property, spoke.

Jeff Bercow, Esq. representing the owners of the Arlington and Savoy Hotels, spoke. He suggested the City consider in the re-advertising of the public hearing, to expand the scope so it is not an overly inclusive ordinance so discussion can be held regarding lowering the minimum room requirements from 250 rooms to a number to be set by the City Commission for indoor entertainment. He stated that hotels with less than 250 rooms would like to be able to at least apply for a neighborhood impact establishment.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:55:16 a.m.

R5G An Ordinance Creating Article III Entitled "Panhandling In Public Property" Of Chapter 74 Entitled "Peddlers And Solicitors," By Defining Panhandling And Solicitation; By Prohibiting Panhandling And Solicitation On Designated Areas Within The City, Providing For Penalties For Violations, Providing For Repealer, Severability And Effective Date. **First Reading.**
(Requested By Commissioner Richard L. Steinberg)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 5-1: Opposed: Commissioner Smith; Absent Commissioner Cruz. Second Reading and Public Hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendments:

1. Motion made by Commissioner Gross to add: Collins Avenue from 5th Street to 10th Street; seconded by Vice-Mayor Garcia, Ballot vote: 4-2; Opposed: Commissioners Smith and Steinberg; Absent: Commissioner Cruz.
2. Amendment accepted by Commissioner Steinberg to delete Washington from 1st Street to 5th Street
3. Amend 11th Whereas: "...unique to ~~two~~ several areas and ..."
4. Amend Definitions: Lincoln Road: "..on the ~~east~~ west by Alton Road; and bounded on the ~~west~~ east by Collins Avenue".

Martha Diaz, Assistant City Attorney, introduced the item and gave a history of the ordinance. She stated that the original version of this prohibited panhandling or solicitation activities in specific areas of the City such as sidewalk cafes, outdoor restaurants, entrances to food stores which sell alcohol beverages, and within 10 feet of five or more people who are waiting to enter a specific event or movie theater, or public event. The Administration requested that another version of the ordinance be added restricting panhandling or solicitation activities on Lincoln Road, Ocean Drive, and Washington Avenue. The ordinance before the Commission today on first reading is a combined ordinance of the two ordinances.

The individuals listed below gave examples of how panhandling or solicitation activities impact their businesses.

Kelsey, David, South Beach Hotel & Restaurant Association, spoke.
Michael Comras spoke.
Mitchell Wentworth, from the Lincoln Road Marketing, spoke.
Graziano Sbroggio spoke.
Irving Stern spoke.
Marlo Courtney, representing Goldman Properties, spoke.

Motion made by Commissioner Gross to add Collins Avenue from 5th to 10th Streets and delete Washington from 1st to 5th Streets; discussion continued and no second offered.

Bea Kalstein spoke.
Frank Del Vecchio spoke.
Miami Beach Police Captain John Di Censo spoke.
Miami Beach Police Sergeant Howard Zeifman spoke.

Commissioner Gross asked the maker of the motion, Commissioner Steinberg if he would accept deleting Washington Avenue from 1st to 5th Street and adding Collins Avenue from 5th to 10th Streets. Commissioner Steinberg did not accept the amendment.

Commissioner Gross requested deleting Washington Avenue from 1st to 5th Streets. Commissioner Steinberg accepted the amendment.

Martha Diaz, Assistant City Attorney, amended Definitions: Lincoln Road: "..on the ~~east~~ west by Alton Road; and bounded on the ~~west~~ east by Collins Avenue".

Commissioner Smith offered to amend 11th Whereas: "....unique to ~~two~~ several areas and ...".

Motion made by Commissioner Gross to add Collins Avenue from 5th to 10th Streets; seconded by Vice-Mayor Garcia; Ballot vote: 42; Opposed: Commissioners Smith and Steinberg; Absent: Commissioner Cruz.

Commissioner Bower was told that Española Way could be included in the ordinance on second reading if the Commission voted to include it.

Handout or Reference Materials:

1. Document titled "Petitions in support of Panhandling Ordinance".

9:49:32 p.m.

R5H Parking Requirements For Elderly Housing

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Section 130-32 "Off-Street Parking Requirements For Parking District No. 1," And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, And 4, By Adding Parking Requirements For Housing For Low And/Or Moderate Income Elderly; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**
(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 21, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

R5I Amendments To Sign Regulations

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 138, "Signs," Section 138-6, "Signs Located On The Underside Of Awnings Or Canopies," By Adding Standards For Signs On The Valance Of Awnings Or Canopies; Amending Sec. 138-7, "Window Signs," By Clarifying The Language In The Existing Regulations For "Open/Close" Type Of Signs; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

1:14:26 p.m.

Supplemental Materials R5J (Ordinance)

R5J Small Dish Antennas

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Amending Section 118-252 To Include Placement Preferences For The Installation Of Television Antennas; And By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," By Amending Section 118-503 To Include Requirements For The Installation Of Television Antennas; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Open and Continued to May 21, 2003. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Supplemental Materials R5K (Ordinance)

R5K Timeframes To Obtain A Building Permit

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Required Time Frame To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation", By Amending Section 118-532 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

Supplemental Materials R5L(Ordinance)

R5L Single Family Designation And Development Procedures

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," By Amending Section 118-591 To Establish Requirements And Procedures Specific To The Individual Designation Of Single Family Homes, By Amending Section 118-593 To Clarify The Development Procedures For Properties Located In The Altos-Del-Mar Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

- R5M An Ordinance Implementing Procedures To Provide Local Preference To Miami Beach-Based Vendors In The Award Of Contracts For Goods And General Services, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Creating Section 2-372; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**
(Procurement)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

11:17:27 p. m.

- R5N An Ordinance Amending Miami Beach City Code Chapter 18, Entitled "Businesses," By Amending Article VIII, Entitled "Parking Lot," By Amending Division 2, Entitled, "Valet Parking Permits For Use On Public Property"; By Amending Section 18-336 Thereof By Providing For Required "Vote" (Valet Operator Training Enforcement) Training Program; By Amending Division 3, Entitled, "Rentals"; By Amending Section 18-341 Thereof By Providing Additional Code Of Conduct Requirements For Valet Operators And Their Employees; By Amending Section 18-342 By Providing Expanded Ramping Areas Under Certain Circumstances; By Amending Section 18-343 By Providing That Valet Permits For Special Events Shall Be Applied For From The City's Tourism And Cultural Development Director; By Amending Section 18-344 By Amending The Fines And Enforcement Procedures For Violators; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Parking Department)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

R7 - Resolutions

10:57:02 a.m.

- R7A A Resolution Approving The Second Amendment To The Parking Facility Management And Operation Agreement For The Miami Beach Marina By And Between Miami Beach Marina Associates, Ltd., The City Of Miami Beach And The Miami Beach Redevelopment Agency. **Joint City Commission And Redevelopment Agency.**
(City Manager's Office)

ACTION: Heard in conjunction with RDA Item 2A. Discussion held. Resolution No. 2003-25194 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent Commissioner Cruz. Christina Cuervo to handle.

2:50:38 p.m.

R7B A Resolution Authorizing The Mayor And City Clerk To Authorize Execution Of The Letter Of Intent Negotiated Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP") And Further Authorizing The City Attorney To Proceed In Preparation Of The Closing Documents To Reflect The Terms Outlined In The Letter Of Intent. **Joint City Commission And Redevelopment Agency.**
(Economic Development)

ACTION: Heard in conjunction with RDA Item 2B. Discussion held. Resolution No. 2003-25195 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Discussion for this item in RDA 2B.

Handout or Reference Materials:

1. Document titled: "Exhibit B" - the following is a list of outstanding disputes regarding the Hotel Development Agreement.

11:27:06 a.m.

R7C A Resolution Approving The Award Of A Contract To Tran Construction, Inc., In The Amount Of \$648,000, Pursuant To Bid No. 03-02/03, For The Professional Design/Build Services Required For The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd And 64th Streets Respectively, And Authorizing The Reallocation Of \$175,000 From The General Obligation Bond Series 2000 Funds, Previously Appropriated For The Replacement Of The Former 29th Street Restroom Facility, For Use In The Construction Of The New 46th And 53rd Street Facilities.

(Public Works)

ACTION: Resolution No. 2003-25196 adopted as amended (Amendments #2 and #3). Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Fred Beckmann to handle.

Amendment # 1:

Commissioner Smith amended the item by not ruling out the possibility of revisiting the 29th bathroom when the funding is available. Amendment # 1 was not accepted by Commissioner Bower.

Amendment # 2

Commissioner Gross requested to look at putting the bathroom on 34/35th Streets where the parking lot is. Amendment accepted by Commissioner Bower.

Mr. Ariel Abelairas, President of Triton Towers and a Commissioner in the City of Sweetwater, spoke.

Amendment # 3

Commissioner Steinberg requested the Administration look into other funding possibilities for the alternative site and report back to the City Commission in six (6) months (October 2003). Amendment accepted by Commissioner Bower. **Fred Beckmann to handle.**

9:53:11 p.m.

R7D A Resolution Selecting The Most Qualified Consulting Firm From The Three Highest Ranked Proposals Received Pursuant To Request For Qualifications (RFQ) No. 36-02/03, For Evaluation Of Rapid Transit Options; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm As Specified By The City Commission, And Should The Administration Not Be Able To Negotiate An Agreement With The Top Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm As Designated By The City Commission, And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Authorizing The Administration To Negotiate With The Third-Ranked Firm As Designated By The City Commission; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations.
(Procurement)

ACTION: Resolution No. 2003-25197 adopted. Motion made by Commissioner Steinberg to accept the Evaluation Committee's recommendation ranking HDR first; seconded by Commissioner Cruz; Voice vote: 7-0. Robert Middaugh to handle.

Jorge Gonzalez, City Manager informed the City Commission that firm #2, as recommended by the Evaluation Committee, Glatting Jackson, has withdrawn. He also stated that phase I is to determine the mode (bus, bus rapid transit [BRT], light rail transit [LRT]), or other variations of transportation for the entire City. Phase II is to determine the best routes and developing a transportation master plan.

PowerPoint presentation given by Charles Hales with HDR Engineering, Inc.

A question and answer session followed.

PowerPoint presentation given by Cheryl King and Tim Sorenson with Wilbur Smith Associates.

A question and answer session followed.

Handout or Reference Materials:

1. Spiral bound book titled 1 of 3: Evaluation of Rapid Transit Options, Qualifications, dated April 11, 2003 submitted by HRD Engineering, Inc. (Charles Hales Transit Planning Principal and Will Suero, PE, Manager, HDR Miami Lakes)
2. Spiral bound book titled 2 of 3: Evaluation of Rapid Transit Options for the City of Miami Beach dated April 11, 2003, submitted by Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. (Troy P. Russ, AICP, Senior Partner)
3. Spiral bound book titled 3 of 3: Evaluation of Rapid Transit Options, April 11, 2003, submitted by Wilbur Smith Associates (Cheryl L. King, AICP, Assistant Director for Transit Planning)
4. Color copy of the PowerPoint presentation given by Cheryl King.
5. Color copy of the PowerPoint presentation given by Charles Hales.

City Clerk's Note: The Committee unanimously agreed on the following ranking: Top-ranked: HDR; second-ranked: Glatting Jackson; Third-ranked: Wilbur Smith Associates

6:58:12 p.m.

R7E A Resolution Approving And Authorizing The Creation Of A Special Taxing District By Miami-Dade County For Normandie Sud, Miami Beach, Florida, For The Purpose Of Providing Twenty Four Hour Stationary Security Guard Service, Subject To Compliance With Applicable City Of Miami Beach And Miami-Dade County Requirements; Approving Construction Of One Guard House Facility, Emergency And Barrier Gates And Necessary Street Improvements And Modifications; Authorizing And Appropriating An Amount Not To Exceed One Hundred Seventy Six Thousand Dollars (\$176,000) For Said Taxing District Improvements; Requiring Reimbursement For All Expenditures; Providing For Guard House Location And Design Review By City; Requiring An Interlocal Agreement And Providing For An Effective Date.

(Public Works)

ACTION: Resolution No. 2003-25198 adopted as amended. Motion made by Commissioner Gross to approve the resolution subject to the provision that Miami-Dade County must require approval [ratify district creation] by 2/3 of those who cast their vote rather than a majority vote; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed: Commissioner Bower. Fred Beckmann to handle.

Fred Beckmann, Public Works Director, introduced the item.

William (Billy) Shockett spoke.
Margueritte Ramos-Herrera spoke.
Luis Plata spoke.
Celia Glaser spoke.
Eda Handel spoke.
Kendra Langlie spoke.
Moises Golobovich spoke.
Charlie Stoner spoke.

Mayor Dermer stated if a super majority is supporting this process, he would be more comfortable at becoming the tax collector. He explained that with the undergrounding of utilities, a super majority was required.

Commissioner Smith asked Mr. Dubbin if the City could pass this item subject to the County requiring a super majority vote.

Amendment:

Motion made by Commissioner Gross to approve the resolution subject to the provision that Miami-Dade County must require approval [ratify district creation] by 2/3 of the those registered voters residing in the Normandy Sud Neighborhood who cast their vote rather than a majority vote; seconded by Commissioner Steinberg.

Handout or Reference Materials:

1. Map submitted by Kendra Langlie.
2. List of speakers submitted by Margueritte Ramos-Herrera
3. Petitions signed by individuals opposing the building of the guard gate.
4. Petitions titled: Normandy Security Guard Special Taxing District - Petition issue date 11/8/02 -1 of 2
5. Petitions titled: Normandy Security Guard Special Taxing District - Petition issue date 11/8/02 -2 of 2
6. Courtesy Notice - Miami Herald Neighbors Sunday, April 27, 2003

4:38:52 p.m.

Supplemental Materials R7F (Revised Memorandum)

R7F A Resolution Authorizing The Mayor And City Clerk To Execute A Communications System Agreement, And All Exhibits Thereto, With Motorola, Inc., In The Amount Of \$4,850,000 For The Purchase And Installation Of A New 800 MHZ Trunked Digital Smartzone Simulcast Public Safety Radio System; A Perpetual Software License Agreement, At No Cost; And A Ten Year (10) Maintenance Agreement Which Includes System Maintenance Comprised Of A One (1) Year Initial Warranty, At No Cost, And Nine (9) Additional Consecutive Years Of Maintenance, In The Amount Of \$2,581,752, And Subscriber Maintenance Comprised Of A One (1) Year Initial Warranty And Two (2) Additional Years, At No Cost, And Seven (7) Additional Consecutive Years Of Maintenance, In The Amount Of \$442,669, For A Total Cost Of \$7,874,421.

(Information Technology)

ACTION: Resolution No. 2003-25199 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 7-0. Kay Randall to handle.

Patricia Walker, Chief Financial Officer, gave detailed PowerPoint Presentation reflecting background of evaluation and negotiation process concerning the proposals of M/A-Com and Motorola, and administrative recommendation.

Mayor Dermer offered an opportunity to M/A-Com and Motorola to make presentations to the Commission.

Santiago Echemendia, Esq., of Tew, Cardenas, Rebak, Kellogg, Lehman, De Maria & Tague, appeared on behalf of Motorola, Inc. for the purpose of stating his appearance.

Eilene Mehta, Esq., of Bilzin, Sumberg, Dunn, Baena, Price & Axelrod, LLP, appeared on behalf of M/A-Com for the purpose of stating her appearance, and providing the Commission with copies of Court papers filed by M/A-Com, and informing the commission of her client's request to the Court for expedited relief.

Jorge Gonzalez, City Manager, thanked the negotiations staff and thanked Motorola for their willingness to concede on many of the points; he also thanked Patricia Walker, Chief Financial Officer, Kay Randall, Information Technology Director, and Raul Aguila, First Assistant City Attorney, for their negotiation work.

Vice-Mayor Garcia stated that he was very happy that Patricia Walker, CFO, was representing the City. She is great at negotiations among many other things.

Handout or Reference Materials:

1. Spiral binder containing the Motorola, Inc. Contract for a 800 MHZ Digital Smartzone Simulcast Public Safety Radio System
2. Legal Documents filed by Bilzin Sumberg Baena Price & Axelrod LLP on behalf of M/A-COM, case number 03-10254 CA 15, for Declaratory and injunctive relief and mandamus.

4:38:52 p.m.

R7G A Resolution Authorizing The Administration To Issue A Standing Order For RCC Consultants, Inc., For FY 2002-03, In The Amount Of \$265,181, For A Technical Services Agreement To Continue Necessary Work Toward The Installation Of A New Motorola, Inc. 800 MHZ Trunked Digital Smartzone Simulcast Public Safety Radio System, If Same Is Approved By The Mayor And City Commission, To Include: Design Review; Equipment Installation; Siting Of Two (2) New Rooftop Radio Sites And Accompanying Radio And Microwave Engineering Surveys; Preparation Of FCC Licensing Documentation; And The Final Testing And Acceptance Of The System.
(Information Technology)

ACTION: Resolution No. 2003-25200 adopted. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Voice vote: 7-0. Kay Randall to handle.

11:18:52 p.m.

R7H A Resolution Amending City Of Miami Beach Resolution No. 2003-25124 Creating The Miami Beach Ad Hoc Charter Review And Revision Board So As To Enlarge Its Powers Of Review To Include The City's Related Special Acts Portion Of The City Code.
(City Attorney's Office)

ACTION: Resolution No. 2003-25201 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Legal Department to handle.

8:23:53 p.m.

Supplemental Materials R7I (Memorandum),

R7I A Resolution Approving The Amended Design Plans For The Altos Del Mar Segment Of The North Beach Recreational Corridor Project.
(Public Works)

(Memorandum And Resolution To Be Submitted In Supplemental)

ACTION: Resolution No. 2003-25202 adopted as amended. Motion made by Commissioner Smith to approve the blue trail line on the map provided, using concrete, and the developer to fund if the City cannot identify funding; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Vice-Mayor Garcia. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, introduced the item and gave an overview of the project.

Discussion held.

1) Motion made by Commissioner Gross to approve as long as there are funds available from the grants and any additional costs to ask the neighborhood to fund it. No second offered.

Discussion continued.

Alex Tachmes spoke.

Robert Fine spoke on ADA issues.

Franklin Zavala-Velez spoke on ADA issues.

Frank Wooland, Esq. representing Frank and Nancy Bona, and Jack and Mary Michel spoke.

Murray Dubbin, City Attorney, stated that the original plat that was done prior to 1920 shows a temporary road between the lots and the ocean. There was a covenant in the plat that once Collins Avenue was

completed the road would disappear. The covenant does not prohibit a beach walk. This misunderstanding seems to have created a lot of confusion.

2) Motion made by Commissioner Gross to defer the item; seconded by Commissioner Cruz.

Bonita Bona, daughter of Frank and Nancy Bona, spoke.

Phil Azan, Building Department Director, stated that the hard pack does not meet the Code, therefore the Building Department will not be able to approve.

Barry Klein, President of the North Beach Development Corporation, read a resolution into the record.

Martin Kaplan spoke.

3) Commissioner Gross withdrew his motion to defer.

4) Motion made by Commissioner Smith to approve the blue trail with concrete as planned by the Administration and as negotiated and discussed with the homeowners and the developer. If there is not sufficient funding because of the bid amount exceeds available funding and the developer doesn't want to pay any additional costs then go with the red trail; seconded by Commissioner Steinberg.

5) Vice-Mayor Garcia offered an amendment to extend the trail further north a half a block or a full block to enter the park.

6) Amendment accepted by Commissioner Smith as long as the extension is at the developer's expense.

Discussion continued.

Commissioner Bower stated that she does not believe this is a good compromise.

Commissioner Smith restated his original motion.

Commissioner Steinberg stated that the Commission is willing to front the money to the extent that the funding is available. If the funding is not available, the Commission wants the project to continue so the developer can cover the money shortfall or the City will go to the less expensive trail to the west (red trail).

Jorge Gonzalez, City Manager, stated that he doesn't think it's fair for the developer to have to fund extending the trail further north, (extending the left hand turn), when is not the developer's lot.

7) Motion made by Commissioner Smith to go back to the original item as recommended by the Administration and the developer to fund if the City can not identify funding; seconded by Commissioner Steinberg.

Discussion continued.

8) Motion made by Vice-Mayor Garcia to defer; seconded by Commissioner Cruz.

Discussion continued.

Vote on the motion made by Vice-Mayor Garcia to defer; seconded by Commissioner Cruz; Ballot vote: 3-4; Opposed: Mayor Dermer, and Commissioners Gross, Smith, and Steinberg.

Motion to renew Commissioner Smith motion to approve the blue trail line on the map provided, using concrete, and the developer to fund if the City can not identify funding; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Vice-Mayor Garcia.

Handout or Reference Materials:

1. Ballot on motion to defer and ballot on the main motion.
2. Attachment A, B and C - color maps of the North Beach Recreational Corridor - Project Location map. The map identifies the 5 phases.
3. Document from Southern Title Company recorded in the public records dated May 10, 1919 and recorded in Plat Book 4 on page 157.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Direct appointments made:

Beach Preservation Board:

Ana Cordero Term expires 12/31/03
Sidney Goldin Term expires 12/31/04

Appointed by Commissioner Cruz
Appointed by Commissioner Steinberg

Fine Arts Board:

Debra Schwartz Term expires 12/31/04

Appointed by Commissioner Gross

Police Citizens Relations Committee:

Faye Goldin Term expires 12/31/03

Appointed by Commissioner Bower

Transportation and Parking Committee:

Judy Evans Term expires 12/31/04 Representing the MB Transportation Mgmt. Assoc.

R9B Report On The Status Of Settlement Discussions With The Royal Palm RDP.
(Requested By Commissioner Saul Gross)

ACTION: See R7B/RDA 2B.

R9C Discussion Regarding 1) The Reappointment Of Members To The Sister Cities Committee; 2) Clarification On The "Term Limit" Issues As It Applied To Sister Cities; And 3) An Ordinance Amendment To Change The Official Name Of The Committee From "The Florida Sister Cities" Program To "The Miami Beach Sister Cities" Program.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

R9D Discussion Regarding The Issue Relating To A Delegation To The Convention Center Advisory Board.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

- R9E Discussion Regarding A Resolution Amending Resolution No. 2000-23835 Which Created The North Beach Youth Center Oversight Committee As An Ad Hoc Committee Of The Miami Beach City Commission, By Amending The Committee's Duties, Functions, Powers, And Responsibilities, And Extending The Existence Of The Committee Until The North Beach Youth Center Is Operational And Open To The Public.

(Requested By Commissioner Jose Smith)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

4:05:22 p.m.

- R9F A Request By The Lofts At South Beach, Inc., Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Pertaining To DRB File No. 16907. **2:00 p.m. Public Hearing.**
(Planning Department)
(Continued From April 9, 2003)

ACTION: Public Hearing held. Motion made by Commissioner Bower to remand the issue back to staff for resolution; seconded by Commissioner Smith; Voice vote: 7-0. Jorge Gomez to handle.

Lucia A. Dougherty, Esq. (Greenberg Traurig) spoke on behalf of Bart Seidler owner of the Lofts at South Beach. She is claiming that the Design Review Board (DRB) did not follow the law.

Motion made by Commissioner Bower to approve the color the building has now; no second offered.

Gary Held, First Assistant City Attorney, defined the actions the City Commission may take. He also stated that staff took a very strong position and that the process should be honored. The property owner did not get staff approval of the colors before the painting was done. During the DRB hearing the architect of the building stated that the building was designed based on a particular color scheme.

Commissioner Smith stated that the applicant stated that they made a mistake. What remedy can be provided to the property owner without the Commission acting as a jury?

Gary Held stated that the Commission could recognize that the property owner made an expense in painting the building and made a mistake. The Commission could remand it back to the DRB. The DRB was unanimous in their decision to deny the appeal to allow the current colors to remain.

Lucia A. Dougherty stated that her client made a mistake. The colors should have been approved by the staff.

Jorge Gomez, Planning Director, spoke.

Mayor Dermer asked what needs to be done to get the issue resolved?

Gary Held stated that the issue could either be remanded to the DRB or remand it to staff to work with the property owner to approve the color scheme based upon what the building has already been painted.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. City Code Division 3 Design Review Board, section 118-71 - 118-262

8:13:21 p.m.

- R9G Discussion Regarding A Resolution Directing The City Manager To Pursue A Program To Deploy

Artificial Reefs Within The Vicinity Of Protected Swimming Areas For The Remediation Of Natural Coral Reefs Recently Buried Under Beach Sand Near Marjory Stoneman Douglas Park And Within Or Near Other Protected Swim Zones Throughout The City.

(Requested By Commissioner Saul Gross)

ACTION: Discussion held. Resolution No. 2003-25203 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Fred Beckmann to handle.

Stuart Reed spoke.

Daniel Clark, Director of Coral Reefs Research in Broward County, showed a video.

Adriana Cabrera read a letter on behalf on Environmental Defense into the record.

Handout or Reference Materials:

1. Color copy titled: Attachment A South Pointe Artificial Reef Site
2. Letter from Rod Jude, Conservation Issues Chair, Sierra Club Miami Group, to the Miami Beach City Commission, dated April 30, 2003, RE: Support for resolution to pursue remediation for near shore reefs buried under beach sand
3. Letter from Adriana Cabrera, Coastal Policy Intern with Environmental Defense, to Mayor and City Commission of Miami Beach, dated April 30, 2003, supporting the resolution.

City Clerk's note: Pursuant to the resolution, the Administration is hereby directed to make quarterly reports to the City Commission about the progress of this program, the first report being due three (3) months from the adoption of this resolution. **Fred Beckmann to handle.**

- R9H The Committee Of The Whole Will Meet During The Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2003/04 Proposed Operating Budget Request For The Office Of Mayor And City Commission.
(Finance Department)

ACTION: Meeting announced.

Meeting called to order at 1:40 p.m.

Mayor and all Commissioners present.

Patricia Walker, CFO, presented the Mayor and City Commission budget.

Actions taken:

1. Change Commissioner Cruz's aide position to full time because of the November election.
2. Remove Commissioner Gross' travel allotment.
3. Mayor authorized to keep two (2) cell phones.
4. Mayor's office to try to determine a "reasonable" price cap for those events which they need to pay for attending.

Approved by acclamation of the City Commission.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. LTC 95-2003 and Office of the Mayor & City Commission FY03/04 Budget Request

- R9I Discussion And Referral To The Neighborhoods Committee Regarding The Co-Naming Of West Avenue To Mr. Nathan Gumenick In His Memory.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

- R9J Presentation By A Group Of Concerned Residents Advocating Better Green Space Management In The City.
(Requested By Commissioner Saul Gross)

ACTION: Item deferred. Lilia Cardillo to place on Agenda.

4:27:52 p.m.

- R9K Discussion Regarding A Resolution Supporting The Miami Beach High School Development Advisory Board In Its Efforts To Encourage And Coordinate Community Input In The Development And Construction Of New Facilities For Miami Beach High School.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held. Resolution No. 2003-25204 adopted. Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 7-0. Maria Ruiz to handle.

Vice-Mayor Garcia introduced the item.
Mr. Michael Milberg spoke.
Mr. Larry Herrup spoke.

- R9L Discussion Regarding Granting Permission To The Miami Beach Senior High School Advisory Board (MBHSAB) To Use The City Commission Chambers To Televisе Its Meetings.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item not reached. Lilia Cardillo to place on agenda.

9:40:09 p.m.

- R9M Discussion Regarding The Status Of The Urban Arts Committee.
(Requested By Mayor David Dermer)

ACTION: Discussion held.

Don Worth gave an oral presentation.

Barry Klein, North Beach Development Corporation, spoke.

11:52:40 a.m.

Supplemental Materials R9N (Resolution)

- R9N Discussion Of A Resolution Regarding Funding For The Arts.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held. Resolution No. 2003-25205 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0: Absent Commissioner Cruz. R. Parcher to transmit to the Governor and the State Legislature to handle.

Commissioner Bower introduced and spoke on the item.

Commissioner Smith stated that the legislature is eliminating funding for the arts, and they are also eliminating funding for affordable housing.

Reports and Informational Items

- A Parking Status Report.
- (Parking Department)

ACTION: Written report submitted.

- B City Attorney's Status Report. (City Attorney's Office)

ACTION: Written report submitted.

- C Capital Improvement Projects (CIP) Office Quarterly Status Report Presentation To The Finance And Citywide Projects Committee On April 21, 2003.
(Capital Improvement Projects)

ACTION: Written report submitted.

City Clerk's Note: Copy of the PowerPoint presentation given at the April 21, 2003 Finance and Citywide Projects Committee meeting.

2:31:47 p.m.

- D Oral Update/Presentation On The Greater Miami Convention And Visitors Bureau.
(City Manager's Office)

ACTION: Presentation given by Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau.

Bill Talbert from the Greater Miami Convention and Visitors Bureau gave an oral presentation. David Whittaker gave a PowerPoint presentation.

Handout or Reference Materials:

1. Document titled: "Bookings Miami Beach - October 2002 - April 2003", and "Services on Miami Beach - October 2002 - April 2003," and "Significant Bookings October 2002 - April 2003."

- E Non-City Entities Represented By City Commission:
1. Correspondence From The Greater Miami Convention And Visitors Bureau Regarding Miami And The Beaches Tourist Tax Collections During FY 2001-02.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Written report submitted.

2. Minutes From The Miami Beach Transportation Management Association, Inc. Executive Board Meeting Of April 22, 2003.
(Requested By Matti Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 30, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. NEW BUSINESS

10:57:02 a.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving The Second Amendment To The Parking Facility Management And Operation Agreement For The Miami Beach Marina By And Between Miami Beach Marina Associates, Ltd., The City Of Miami Beach And The Miami Beach Redevelopment Agency. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with Item R7A. Discussion held. Resolution No. 450-2003 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

2:50:38 p.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Authorize Execution Of The Letter Of Intent Negotiated Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP") And Further Authorizing The City Attorney To Proceed In Preparation Of The Closing Documents To Reflect The Terms Outlined In The Letter Of Intent. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with Item R7B. Discussion held. Resolution No. 451-2003 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Amendments to L O I:

1. Support the Manager's recommendation with the amendments presented today regarding the new Exhibit "B."
2. Clarify that the room block will be within the Royal Palm.
3. Within the 30 days that the lead individuals involved in the boycott will express their support.
4. Within the 30 days obtain a consent letter from the bank.
5. The agreement must be signed within 15 days.
6. The tolling agreement is effective as of signing of the agreement
7. The environmental claim that the lease will be amended to clarify that at the termination of the lease, when the land changes hands, that the City is no longer obligated under the language of the lease for environment claims on that piece of property.
 - A. ***Delete Section 35.9 of the Lease Agreement that states the Environmental Indemnity survives the termination of the Lease.
8. If the above conditions are met, the Mayor is authorized to sign the LOI.

Commissioner Gross requested several amendments:

1. Attach the return schedule so there is no ambiguity about how much deferred rent is.
2. The drop-dead date should be May 15, which is the one-year anniversary of the opening of the hotel.
3. The payment at the time is due and should include the rent due throughout that day.

Commissioner Steinberg accepted the three amendments.

Commissioner Smith and Bower thanked and complimented Commissioner Cruz for his work and efforts on this deal.

Jorge Gonzalez, City Manager, also thanked Commissioner Cruz for his expertise on getting the negotiations finalized. In addition, he clarified that if the above conditions are met, the Mayor is authorized to sign the LOI. Commissioner Steinberg stated that those conditions are part of his motion.

Handout or Reference Materials:

1. Document titled: "Exhibit B" - the following is a list of outstanding disputes regarding the Hotel Development Agreement.

10:58:38 a.m.

C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Chairman And Secretary To Execute A Management And Leasing Agreement With The Miami Beach Community Development Corporation (MBCDC), In Association With The Felenstein Koniver Stern Realty Group (FKS), As The Successful Proposer For The Management And Leasing Of The Retail Component Of The Anchor Shops And Parking Garage, Pursuant To RFP No. 05-02/03; And Adopting The Operating Budget For Fiscal Year 2002/03, For The Management Of The Anchor Shops.

ACTION: Resolution No. 452-2003 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

11:02:55 a.m.

- D Status Report On Negotiations Between The Miami Beach Redevelopment Agency (RDA) And Selig Parking, Inc., D/B/A AAA Parking Regarding The Management And Operation Of The Parking Component Of The Anchor Shops And Parking Garage.

ACTION: Written report submitted. Motion made by Commissioner Gross to reject all bids, the City to operate the garage, and a financial report be submitted; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Cruz. Saul Frances to handle.

Commissioner Gross stated that this Commission previously spent a few hours discussing this issue. At a previous Commission Meeting he made a motion to reject all the bids and let the City manage this garage just like it manages the others. The Commission wanted to negotiate with AAA Parking to see if a guarantee revenue amount could be negotiated.

Motion made by Commissioner Gross to reject all bids and the City to operate the garage; seconded by Commissioner Steinberg.

Scott Podvin, Esq. appeared and spoke on behalf of Selig Enterprises (AAA Parking).

Vice-Mayor Garcia asked for special reports on the operations of the garage. Saul Frances to handle.

Commission Gross stated that Vice-Mayor Garcia expressed a preference for privatization, which he also shares. The reason this model works is because it is a semi-private model. The labor to operate the garages is not provided by the City. Secondly, the analysis was done on how the City operates the garages compared to the proposals submitted. The City's numbers are basically the same.

Meeting adjourned at 11:19:18 p.m.

End of RDA Agenda